

AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

June 28, 2005

Aldermen Forest, Gatsas,
Osborne, Porter, Lopez

5:00 PM

Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Forest calls the meeting to order.
2. The Clerk calls the roll.
3. Appeal of the denial of taxi driver's license.
A motion is in order to enter non-public session under the provisions of RSA 91-A:3 II(c).
A roll call vote is required on the motion.
4. Communication from Matthew Normand, Deputy Clerk, submitting an ordinance amendment Chapter 115: Solicitations, Sales, Peddlers, and Fairs tightening regulations for peddlers and other door-to-door activities.
Gentlemen, what is your pleasure?
5. Communication from Joan Porter, Tax Collector, advising of the implementation of a new program called "EREG" allowing citizens to register their cars online.
Gentlemen, what is your pleasure?
6. If there is no further business, a motion is in order to adjourn.



CITY OF MANCHESTER

Office of the City Clerk



Leo R. Bernier
City Clerk

Carol A. Johnson
Deputy City Clerk

Paula L-Kang
Deputy Clerk
Administrative Services

Matthew Normand
Deputy Clerk
Licensing & Facilities

Patricia Piecuch
Deputy Clerk
Financial Administration

MEMORANDUM

TO: Members, Committee on Administration
Ald. Forest, Gatsas, Osborne, Porter, Lopez

FROM: Matthew Normand
Deputy Clerk

DATE: June 22, 2005

RE: Amendments to Chapter 115: Solicitations, Sales, Peddlers, and Fairs

Please be advised that the attached amendments to Chapter 115: Solicitations, Sales, Peddlers, and Fairs is being introduced to tighten regulations for peddlers and other door-to-door activities in light of recent incidents occurring in nearby communities. These amendments to the Code of Ordinances will require a certified copy of criminal records for applicants under this chapter as well as new standards for denial of applicants with a history of criminal conduct. The changes reflected in the pages that follow are similar to ordinances currently in the Code of Ordinances that regulate the taxi industry.

If you have any questions or concerns, you may reach me at 624-6480. Thank you.

Attachment

City of Manchester New Hampshire

In the year Two Thousand and Five

AN ORDINANCE

"Amending Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester by inserting new definitions and application requirements."

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language stricken (-----) and inserting new language in Chapter 115: Solicitations, Sales, Peddlers, and Fairs as bolded (**bold**). Sections of the following chapters that remain unchanged appear in regular type.

CHAPTER 115: SOLICITATIONS, SALES, PEDDLERS, AND FAIRS.

GENERAL PROVISIONS

§ 115.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CIVIC CENTER ZONE. The westerly side of Elm Street, on the sidewalk, from Pleasant Street to the Center of NH exit and the easterly side of Elm Street, on the sidewalk, from Central Street to Merrimack Street. The westerly side of the zone includes a 30-foot setback from the corner of Elm Street and the Center of NH exit, northerly, and a 90-foot setback from the corner of Elm Street and Pleasant Street, southerly. This prevents impairing driver vision (in accordance with § 8.22(E) of the Zoning Ordinance) as well as interfering with Manchester transit loading and unloading. The easterly side of the zone also includes a 30-foot setback from the corner of Elm Street and Central Street, northerly, and a 90-foot setback from the corner of Elm Street and Merrimack Street, southerly. The Office of the City Clerk shall not issue more than a pre-determined number of licenses designated for the Civic Center Zone. The Office of the City Clerk may use discretion as to the total number of licenses issued for the Civic Center Zone should it be determined that this amount disrupts pedestrian traffic patterns, vehicular traffic flow, or reasonable peddler activity.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent.

FAIR. A show in which ten or more persons display merchandise, articles, services, or things for sale or solicit orders and as a separate transaction deliveries are made to purchasers, from a booth, stand, rack, showcase, bench, push-cart or a designated area.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

ITINERANT MAGAZINE SALESMAN. Any person, whether as principal, agent, or employee, who engages in a temporary or transient business in this city of traveling from house to house soliciting orders for magazine subscriptions or renewals.

MOTOR VEHICLE. Any vehicle, used for displaying, storing, or transporting of articles offered for sale by a peddler, which is required to be licensed and registered by the State Department of Motor Vehicles.

PEDDLER. A person as defined in R.S.A. 320.1 and R.S.A. 321.1, except as may be excluded by § 110.08 of this title, and shall include any person, whether a resident of the city or not, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, flowers, plants, garden truck, farm products or provisions, offering and exposing the same for sale from a wagon, stand, motor vehicle, railroad car, or other vehicle or conveyance, and includes one who while traveling from place to place solicits orders and as a separate transaction deliveries are made to purchasers. The word PEDDLER shall include one who travels from place to place offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contracts relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building; or one who keeps a regular place of business, open during regular business hours at the same location, but who offers for sale or sells and delivers, personally or through his agents, at a place other than his regular place of business, goods, wares, or merchandise. The word PEDDLER shall include HAWKER, VENDOR, HUCKSTER, and ITINERANT VENDOR. The word PEDDLER shall not include those persons who are on residential premises at the prior invitation of the owner or legal occupant or direct sellers as defined by Sec. 3508 of the U.S. Internal Revenue Code.

PUBLIC ASSEMBLY BUILDINGS. As defined in the BOCA-National International Building Code, 1987 2000, Article 3, §§ 302.1 through 302.6 §§ 303.1 (A-4) through 303.1 (A-5).

PUBLIC PROPERTY. Any city-owned or controlled property including but not limited to streets, sidewalks, municipal parking areas, and municipal parks.

STAND. Any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor vehicle and which is not required to be licensed and registered by the State Department of Motor Vehicles, used for displaying, storing, or transporting articles offered by sale by a peddler.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

TRANSIENT or ITINERANT PHOTOGRAPHERS. All persons, whether as principals, agents, or employees, who engage in a temporary or transient business in this city, whether such persons conduct their business by traveling from house to house taking pictures in a house, or operate from a hotel room, store, or other place of business, or otherwise, and who perform any of the following acts of the photography business: solicit orders, take pictures, assist in the taking of pictures, show proofs, deliver pictures, make collections for pictures sold.

TRANSIENT OR ITINERANT MAGAZINE SALES.

§ 115.20 LICENSING REQUIREMENTS.

(A) License required. No person shall engage in the business of an itinerant magazine salesperson unless he shall be licensed to do so as provided by this section. The City Clerk may issue a temporary license for a transient or itinerant magazine salesperson, following the same procedure as for the issuance of all annual licenses.

(B) License application; issuance; transfer; display.

Each applicant for an itinerant magazine salesperson's license shall apply to the City Clerk on a form to be determined by the City Clerk.

(1) The application shall include the name and home address; the name and address of all organizations by which he is employed or receives commissions or compensation of any kind; **two recent passport photographs of the applicant, or photographs of such size as previously approved by the City Clerk; a complete certified criminal record of the applicant obtained from the Criminal Records Division, State Police, Department of Safety, State of New Hampshire, and/or from the appropriate out-of state agency or agencies if not a resident of New Hampshire for the five years preceding the application; and whether he has ever before applied for a license under this section.**

(2) Upon verification of identity, review of application by Police Department, and receipt of the proper fee the City Clerk may issue the license and forward the name of the licensee to the Chief of Police. The license shall not be transferable and must be **presented displayed while engaging in the business of an itinerant magazine salesperson. to any party being solicited for magazine orders or to any police officer upon request.**

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) Hours, behavior restricted. No person shall engage in the business of an itinerant magazine salesperson except between the hours of 9:00 a.m. and 8:00 p.m. No person shall make any solicitation in an oppressive manner.

(D) Standards for denial. In addition to the application requirements set forth in this section, a license to operate as an itinerant magazine salesperson shall be denied to the following persons:

(1) An applicant who has received a disqualifying criminal conviction or has been imprisoned at any time for a disqualifying criminal conviction during the five years preceding the application.

(2) An applicant who is required to register as a sexual offender or as an offender against children under R.S.A. 651-B:6.

(3) An applicant who is denied an itinerant magazine sales license under the standards of this section, or who has reason to believe that he/she may be denied an itinerant magazine sales license under these standards, may file a written request for a review of the application before the Committee on Administration. The Committee on Administration will approve or disapprove the fitness of the applicant for the license. The Committee on Administration may require the submission of qualifying evidence to make an assessment, including character references and/or evaluation by a qualified professional, and may set such conditions, review procedures, or monitoring activities as it deems appropriate as a condition of licensure.

(E) Revocation. Any licensee that engages in any loud argument, fight, or other disturbances; harassed, threatened or assaulted another person, intentionally damaged, destroyed or threatened to damage or destroy any property or ~~Any person violating~~ violates any other provisions of this section shall have such license revoked. Upon request of the Chief of Police the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years.

(F) Exemptions. This section shall not apply to persons involved in elementary and secondary schools conducting such solicitations under the direction and guidance of a local school or other charitable organization.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

PEDDLERS.

§ 115.40 LICENSE REQUIRED: APPLICATION.

(A) It shall be unlawful for any person, firm, or corporation to engage in the business of a peddler within the city without first having secured a license therefor. The license shall be an annual license expiring on April 30 of each year. Each license issued pursuant to this subchapter shall be conspicuously displayed. The City Clerk may issue a temporary license for peddlers, following the same procedure as for the issuance of an annual license.

(B) Application for a peddler's license shall be made to the City Clerk upon a form to be determined by the City Clerk. The application shall include:

(1) The name, home and business address of the applicant, and the name and the address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the operation of the business.

(2) Two recent passport photographs of the applicant, or photographs of such size as previously approved by the City Clerk.

(3) A complete certified criminal record of the applicant obtained from the Criminal Records Division, State Police, Department of Safety, State of New Hampshire, and/or from the appropriate out-of state agency or agencies if not a resident of New Hampshire for the five years preceding the application.

(4) A description of the type of food, beverage, merchandise, or service to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.

(5) A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.

(6) A license from the City Health Department for any peddler who will sell any food or beverages.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(7) (a) A certificate of insurance that the applicant has been issued an insurance policy by an insurance company licensed to do business in the state, protecting the licensee and the city from all claims for damages to property and bodily injury, including death which may arise from operations under or in connection with the license. Such insurance shall provide combined primary and excess coverage which meet a \$500,000 minimum limit; such policy shall provide for automobile liability insurance for owned, nonowned and hire vehicles as applicable; and such policy shall provide that the policy shall not terminate or be cancelled prior to the expiration date except with 30 days' advance written notice to the city.

(b) Exceptions to certificates of insurance may be considered on a case by case basis by the City Clerk with consultation of the risk manager to modify guidelines to meet the exposures presented in a specific activity.

(8) A description of the proposed location of the business together with the written permission of the abutting landowner and/or tenant and a certificate from the building department that a location is consistent with the Zoning Ordinance. The abutter's written permission for use of a location shall be kept current and submitted at the beginning of each licensing year. If the location is in or adjacent to a public area with no private abutting landowner and/or tenant, an applicant must obtain written permission from the appropriate municipal department or public agency. Authorization to operate at that location may be subject to conditions requested by the municipal department or public agency at the time approval is granted or at any time during the licensing period. Peddlers who have been licensed during the licensing year immediately preceding an application for a specific location shall be given first consideration for licensure at that location provided all other requirements under this division are met and that the license is applied for prior to June 1 of the license year. After June 1, the City Clerk may issue a license for the location to the first applicant who requests that site and who meets the licensing requirements.

(9) Peddlers from motor vehicles shall describe, if less than the entire city, the general area in which the business will be operated.

(10) Hours of operation.

(11) Whether or not the applicant has previously held a peddler's license.

(12) Proof that the applicant holds a hawker, peddler, or itinerant vendor's license from the state where applicable.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(C) **Standards for denial.** In addition to the application requirements set forth in this section, a license to operate as a peddler shall be denied to the following persons:

(1) An applicant who has received a disqualifying criminal conviction or has been imprisoned at any time for a disqualifying criminal conviction during the five years preceding the application.

(2) An applicant who is required to register as a sexual offender or as an offender against children under R.S.A. 651-B:6.

(3) An applicant who is denied a peddler license under the standards of this section, or who has reason to believe that he/she may be denied a peddler license under these standards, may file a written request for a review of the application before the Committee on Administration. The Committee on Administration will approve or disapprove the fitness of the applicant for the license. The Committee on Administration may require the submission of qualifying evidence to make an assessment, including character references and/or evaluation by a qualified professional, and may set such conditions, review procedures, or monitoring activities as it deems appropriate as a condition of licensure.

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within 500 feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(C) Vend within 1,000 feet of any hospital.

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BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(D) Vend within 1,000 feet of the same street of any public assembly building while such building is in use unless his peddler's license specifies that peddling in such place is permitted thereunder.

(E) Leave any motor vehicle or stand unattended.

(F) Store, park, or leave any stand overnight on any street or sidewalk or park any motor vehicle other than in a lawful parking place, in conformance with city and state parking regulations.

(G) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patron's use.

(H) Leave any location without first picking up, removing, and disposing of all trash or refuse remaining from sales made by him.

(I) Allow any items relating to the operation of the business to be placed anywhere other than in, on, or under the stand or motor vehicle.

(J) Set up, maintain, or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described on his application.

(K) Solicit or conduct business with persons in motor vehicles.

(L) Sell any other than that which he is licensed to vend.

(M) Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public.

(N) Operate without the insurance coverage specified in this subchapter.

(O) Sell food or beverages without a valid and current Health Department permit to operate a food establishment.

(P) Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.

(Q) Operate at any time other than the hours of 9:00 a.m. to 8:00 p.m. unless part of a special permitted activity or the license so specifies.

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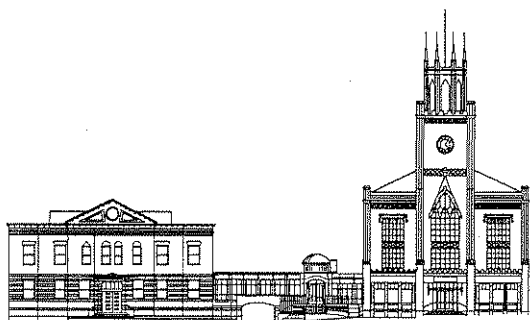
BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(R) Vend within 50 feet of any building or storefront housing a business selling the same or similar food, merchandise, or product except during special one-day events or while such business is closed.

(S) Vend in the area around the Civic Center bounded by Pine Street from the corners of Manchester Street and Valley Street, Valley Street from the corners of Pine Street and Elm Street, Elm Street from the corners of Valley Street and West Auburn Street, West Auburn Street from the corners of Elm Street and Canal Street, Canal Street from the corners of West Auburn Street and Market Street, Market Street from the corners of Canal Street and Franklin Street, Franklin Street from the corners of Market Street and West Merrimack Street, West Merrimack Street from the corners of Franklin Street and Elm Street, Elm Street from the corners of West Merrimack Street and Manchester Street, Manchester Street from the corners of Elm Street and Pine Street, unless the applicant proposes to vend items adjacent to a business they currently own within this area, part of a special permitted activity or the license so specifies.

(T) Engage in any loud argument, fight, or other disturbances; harassed, threatened or assaulted another person, intentionally damaged, destroyed or threatened to damage or destroy any property.

(U) Operate without properly displaying peddlers license.



City of Manchester Office of the Tax Collector

*City Hall One City Hall Plaza
Manchester, New Hampshire 03101
Joan A. Porter, Tax Collector*

Tele: (603) 624-6575

Fax: (603) 628-6162

Web Site: <http://www.manchesternh.gov>

Email: taxcollector@ci.manchester.nh.us

Welcome to the City Of Manchester NH, Where History Invites Opportunity!

June 16, 2005

Committee on Administration
1 City Hall Plaza
Manchester, NH 03101

Dear Committeemen,

I would like to speak to you regarding the institution of a new program called "EREG" which would allow the citizens of Manchester to register their cars online.

The software is relatively inexpensive as is the entire cost to the City of Manchester. The customer would pay an additional fee, which we would collect, and then the company will bill us monthly based on the number of registrations processed. The program uses the customer's checking account number and causes two checks to be printed (one for the City and one for the State). Once the checks are printed we would process the registration in the same manner as we process those which are mailed to us. We do anticipate the ability to use ACH withdrawals in the near future.

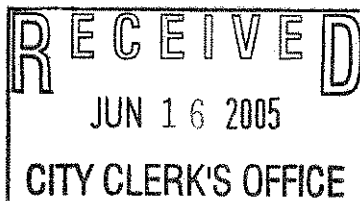
This initiative is a first step toward offering citizens the opportunity to register their vehicles online as a customer service. While many citizens may inquire about the use of a credit card, the fact is that it is still very expensive and also not approved by State Motor Vehicles at the City level at this time.

If you would like to test the program please go to: <http://www.e-reg.us/> and take a "test drive". There is also a PowerPoint presentation available which I will be prepared to show you should you so desire. Attached is list of the start up expenses as well as those necessary to maintain the program.

I look forward to discussing this initiative with you at the next meeting of the Committee on Administration.

Sincerely,

Joan A. Porter
Tax Collector



EREG PROGRAM

Cost to the City of Manchester:

\$2627. Software (including the first 500 checks)
729. Laser Printer
210. Toner
\$3566. Total

Cost to the Customer: (In addition to the \$2.50 the customer is now paying the City for the ability to obtain decals directly from the City of Manchester)

- * \$1.85 for the first registration
- * 1.50 for each additional registration done at the same time

Fees to the Vendor:

\$600. yearly maintenance
37. Checks (500) as needed

*The fee paid by the customer will be collected by the Tax Collector's office at the time of registration. The vendor will bill us monthly with terms agreeable to the City's policy of disbursing checks on the 15th of each month.